

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIMCHA FELDMAN, YECHIEL SHUKRON,
SHALOM KOLDETZKY, ARON BENISHU,
ISRAEL HODER, MEIR FOGEL, RAPHAEL
ARIEH, RACHAMIM BERACHA, TZVI
LEFKOVITZ, SHLOMO KORITZ, TZVI
ANSBACHER, RUCHAMA TOLEDANO,
RAPHAEL BITAN, NAOR AMAR, ISRAEL
BEN-EZRA, ARYEH LEVI, ELCHANAN
ELMISHALI, and MEIR EDELSHTEIN,

ORDER

20 Civ. 7270 (NRB)

Plaintiffs,

- against -

YECHEZKEL STRULOVITCH, CS
CONSTRUCTION GROUP LLC, GLAUBERS
CHASIDISHA CLOTHING LLC, GLAUBERS
QUALITY CLOTHING LLC, GLAUBERS
TRADITIONAL CLOTHING LLC, 945 PARK
PL LLC, 1078 DEKALB LLC, 74 VAN
BUREN LLC, 454 CENTRAL AVENUE LLC,
980 ATLANTIC HOLDINGS LLC, PENN
CONDIMINIUM LLC, THROOP HOME, LLC,
EIGHTEEN PROPERTIES LLC, THE
BUSHWICK PARTNERS LLC, BROOKLYN
VENTURES LLC, THE HOWARD DAY HOUSE
LLC, 196 ALBANY HOLDINGS L.P., CSN
PARTNERS LP, KNICKERBOCKER LOFTS
LLC, 1301 PUTNAM LLC, 741 LEXINGTON
LLC, 296 COOPER LLC, WILLTROUT
REALTY LLC, STAGG STUDIOS LLC,
FIRST AVENUE REALTY HOLDINGS L.P.,
CSY HOLDINGS LLC, CAS MANAGEMENT
COMPANY BAYSHORE, INC., 31 BROOKLYN
LLC, 1035 FLUSHING AVE LLC, VICTORY
BLVD ASSOCIATE LLC, SOI GROUP LLC,
945 WILLOUGHBY HOLDINGS LLC, 119
HOLDINGS LLC, WALLACE HOLDINGS LLC,
1642 EQUITIES LLC, BNH PROPERTIES
LLC, HERMAN GREENFELD as trustee of
GIVAS OLIM TRUST, MENDEL BRACH as
trustee of GIVAS OLIM TRUST,
TOMPKINS 420 REALTY LLC, WILLOUGHBY
EQUITIES LLC, 186 LENOX LLC, 400
SOUTH 2ND STREET REALTIES L.P.,

WYKOFF SP LLC, 1428 FULTON ST LLC,
PENN & MARCY LLC, 420 TOMPKINS,
LLC, 599-601 WILLOUGHBY LLC, CS YH
CONDOS LLC, LENOX 186 HOLDINGS LLC,
LENOX 186 REALTY LLC, 400 SOUTH 2ND
STREET HOLDINGS L.P., R.P.S.
PROPERTIES LLC, FULTON STREET
HOLDINGS LLC, 908 BERGEN STREET
LLC, 901 BUSHWICK AVENUE LLC, GATES
EQUITY HOLDINGS LLC, 853 LEXINGTON
LLC, 348 ST. NICHOLAS LLC, 762
WILLOUGHBY LLC, 855 DEKALB AVENUE
LLC, THE BRIDGE TOWER LLC, 619
HOLDINGS LLC, GRAND SUITES LLC,
CATALPA DEVELOPMENT, LLC, SLOPE
OFFICES LLC, 41-49 SPENCER LLC,
482-484 SENECA LLC, 1217 BEDFORD
LLC, 1266 PACIFIC LLC, MYRTLINO
HOLDINGS, LLC, 259 BERRY LLC, and
261 BERRY LLC,

Defendants.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS on January 18, 2022 and February 1, 2022, plaintiffs entered into a stipulation with forty-four defendants providing for the stay of this action pending arbitration; and

WHEREAS on August 17, 2022, this Court filed a Memorandum and Order granting a motion to dismiss the Third Amended Complaint filed by sixteen other defendants; and

WHEREAS on August 25, 2022, this Court ordered that the complaint against the remaining eleven¹ defendants be dismissed with

¹ The eleven remaining defendants are: 1301 Putnam LLC, 1035 Flushing Ave LLC, SOI Group LLC, 945 Willoughby Holdings LLC, Wallace Holdings LLC, BNH Properties LLC, Wykoff SP LLC, CS YH

prejudice, unless plaintiffs adequately explained why the remaining eleven defendants should not be dismissed from the case for failure to serve the operative complaint for more than 300 days; and

WHEREAS on September 8, 2022, the plaintiffs filed a Memorandum of Law as to why the action against the eleven defendants should not be dismissed; and

WHEREAS by Order, on September 13, 2022, this Court rejected plaintiffs' explanation as to why the eleven remaining defendants should not be dismissed; and

WHEREAS on September 21, 2022, plaintiffs asked this Court not to dismiss the action against Defendant Willoughby Equities LLC, whom plaintiffs claimed was mistakenly not included on the arbitration agreement; and

WHEREAS when the parties could not reach a stipulation as to Defendant Willoughby Equities LLC, on September 30, 2022, plaintiffs requested that plaintiffs be allowed to have until December 15, 2022 to file the stipulation; and

WHEREAS on October 4, 2022, the Court granted plaintiffs' request to have until December 15, 2022 to file a stipulation regarding Defendant Willoughby Equities LLC; and

WHEREAS the Court has not received adequate reason that the claims against the remaining defendants, other than Defendant Willoughby Equities LLC, not be dismissed; it is hereby

ORDERED that the actions against 1301 Putnam LLC, 1035 Flushing Ave LLC, SOI Group LLC, 945 Willoughby Holdings LLC, Wallace Holdings LLC, BNH Properties LLC, Wykoff SP LLC, CS YH Condos LLC, R.P.S. Properties LLC, 41-49 Spencer LLC are dismissed.

SO ORDERED.

Dated: New York, New York
October 13, 2022



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE